

Local Review Body  
19 December 2012

**IRVINE, 19 December 2012** - At a Special Meeting of the Local Review Body of North Ayrshire Council at 11.30 a.m.

**Present**

Matthew Brown, John Ferguson, John Bruce, Ronnie McNicol, Tom Marshall, Jim Montgomerie and Robert Steel.

**In Attendance**

K. Smith, Planning Adviser to the Local Review Body (Development and Environment); J. Law, Legal Adviser to the Local Review Body and D. McCaw Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Brown in the Chair.

**Apologies for Absence**

John Bell and Joe Cullinane.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

**2. Notice of Review: 12/00098/PP: Erection of Detached Dwellinghouse and Refurbishment of Existing Outbuilding with the Addition of a Greenhouse and Landscaping: Land Adjacent to Myrtle Cottage, Whiting Bay, Isle of Arran**

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of the refusal of a planning application by officers under delegated powers for erection of a detached dwellinghouse and the refurbishment of the existing outbuilding with the addition of a greenhouse and landscaping on land adjacent to Myrtle Cottage, Whiting Bay, Isle of Arran. The Notice of Review documentation, a further representation from an interested party, the applicant's response to the additional representation, the Planning Officer's Report of Handling, a location plan and a copy of the Decision Notice, were provided as Appendices 1-6 to the report.

At its meeting on 24 October 2012, the Local Review Body, agreed (a) to proceed to a site familiarisation visit; (b) to so advise the applicant and interested parties; and (c) to note that only those Members of the LRB who attended the site visit would be eligible to participate in the determination of the review request. A site familiarisation visit was duly held on 16 November 2012, attended by Councillors Brown, Bruce, Ferguson, McNicol, Marshall and Steel.

The Planning Advisor to the Local Review Body, introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant and that only those Members who had attended the site familiarisation visit were eligible to participate in the determination of the review request. Photographs and plans of the proposed development were displayed and the Planning Advisor provided the LRB with a verbal summary of the review documents.

Members agreed that the Local Review Body now had sufficient information before it to determine the matter without further procedure.

Councillor Montgomerie, who was unable to attend the site familiarisation visit, took no part in the determination of the review request.

Councillor Brown, seconded by Councillor Bruce, moved that the review be upheld and planning permission granted with conditions.

As an amendment, Councillor Marshall, seconded by Councillor Steel, moved that the officer's decision to refuse planning permission on the grounds detailed in the decision notice be upheld.

On a division, there voted for the amendment 2 and for the motion 4 and the motion was declared carried.

Accordingly, having considered all the information, the Local Review Body agreed to (a) uphold the review request; and (b) grant the application subject to the following conditions:-

1. That, the development hereby approved shall be commenced within 2 years of the date of this permission, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason: In order to prevent land banking and in the interests of the amenity of the area.

2. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details or samples of the proposed external finishes.

Reason: In the interest of the amenity of the area.

3. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of proposals for the disposal of foul and surface water drainage from the development; prior to the occupation of the dwellinghouse the approved drainage arrangements shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

Reason: To ensure that the dwellinghouse is provided with adequate drainage arrangements.

4. That prior to the commencement of the development, hereby approved, self certified details, produced by a suitably qualified person, of a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to North Ayrshire Council as Planning Authority. Thereafter that scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason: In order to meet the requirements of Scottish Water.

5. That, details of the boundary enclosures shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any works. Thereafter, any such details which may be agreed shall be implemented prior to the occupation of the dwellinghouse and thereafter maintained, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason: In the interest of the amenity of the area.

6. That, details of the proposed landscaping scheme, including a full planting schedule, planting programme, trees to be retained and removed, and maintenance arrangements, shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any works. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the dwellinghouse or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

Reason: In the interest of the amenity of the area.

7. That, no trees or hedges on the site shall be felled or lopped, other than those required by the development, hereby permitted, without the prior written approval of North Ayrshire Council as Planning Authority.

Reason: In the interest of the amenity of the area.

8. That, prior to the commencement of the development, details relating to the upgrading works to be carried out to the access track (Smiddy Road) along the frontage of the site and the construction of one passing place along the access track (Smiddy Road), in land under the ownership of the applicant, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The approved works shall be completed prior to the occupation of the dwellinghouse, hereby approved, and thereafter maintained, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason: To meet the requirements of North Ayrshire Council as Roads Authority.

The applicant is further advised to consult the following authorities prior to the commencement of the development hereby approved:-

1. The Networks Manager, Scottish Water (Water), Developer Services, Clyde House, 419 Balmore Road, Glasgow, G22 6NE with regard to water/sewerage connections.
2. Infrastructure and Design Services (Roads), North Ayrshire Council, Perceton House, Perceton, Irvine, KA11 2AL with regard to the construction of the passing place and the upgrading of the access track.

The meeting ended at 11.55 a.m.